

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:17-CV-3-D

TRISTA ANNE SCHMIER, and  
JONATHAN DAVID SCHMIER,

Plaintiffs,

v.

NAVIENT CORPORATION,  
NAVIENT SOLUTIONS, INC.,  
SALLIE MAE, SLM CORPORATION,  
SALLIE MAE BANK, and  
JOHN F. REMONDI,

Defendants.

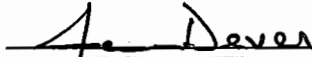
**ORDER**

On June 12, 2017, defendants moved to dismiss plaintiffs' pro se complaint for failure to state a claim upon which relief can be granted [D.E. 21] and filed a memorandum of law in support [D.E. 22]. The court notified plaintiffs of their right to respond, the deadline for responding, and the consequences of not responding. See [D.E. 23]; Roseboro v. Garrison, 528 F.2d 309, 310 (4th Cir. 1975) (per curiam). On July 17, 2017, the court extended plaintiffs' response date to July 27, 2017. See [D.E. 25]. Plaintiffs, however, never filed a response.

The court has considered the motion to dismiss and plaintiffs' pro se complaint under the governing standard. See Fed. R. Civ. P. 12(b)(6); Ashcroft v. Iqbal, 556 U.S. 662, 677–80 (2009); Erickson v. Pardus, 551 U.S. 89, 93–94 (2007) (per curiam); Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555–63, 570 (2007). Plaintiffs have failed to state a claim upon which relief can be granted. See [D.E. 22]. Thus, the court grants the motion to dismiss.

In sum, the court GRANTS defendants' motion to dismiss [D.E. 21] and dismisses the complaint without prejudice.

SO ORDERED. This 13 day of October 2017.

  
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JAMES C. DEVER III  
Chief United States District Judge